THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P. No. 2876 of 2006

Dated: 03-08-2007

Between:-

M.A.Hameed Khan …Petitioner

And

Md.Fazaluddin and another …Respondents.

THE HON'BLE SRI JUSTICE C.V. RAMULU

Writ Petition No. 2876 of 2006

ORDER:

This Writ Petition is directed against an order made in M.W.M.P. No.10 of 2004 in M.W. Case No.109 of 2005 dated 13-12-2005 on the file of the Authority under Minimum Wages Act and Asst. Commissioner of Labour, Karimnagar.

The petitioner is the employer. The respondent is the employee. It appears the respondent worked with the M/s.The Golden Job Works Center, Mukurampura, Karimnagar as an instructor in job writing and thereafter his services were terminated and he has approached the authority under the A.P. Shops and Establishments Act. While that being so, simultaneously he filed M.W. case No.109 of 2005 before the Authority under Minimum Wages Act and Assistant Commissioner of Labour, Karimnagar, stating that during the period from 01-01-1998 to 30-04-2002 he was paid wages less than what he deserves to be under law and as per the Minimum Wages Act and notifications issued thereunder. While filing that application it appears there was delay and seeking to condone the said delay, the present M.W.M.P. No.10 of 2004 in M.W. Case No.109 of 2005 was filed. The same was resisted by the petitioner (management) holding that the petitioner is aware of his rights and in fact he has filed a case before the A.P. Shops and Establishments Act and he could have simultaneously filed an application if it is necessary even for claiming minimum wages. But, there is unreasonable delay of more than two years and the same cannot be condoned. However, on considering

the arguments of both the parties the Labour Court restricted the claim to a reasonable period of two years from 01-05-2000 to 30-04-2002.

Condoning the delay is only a discretionary order passed by the Authority. I am of the opinion that no legal infirmity has been brought to the notice of this Court calling for interference of this Court under Article 226 of Constitution of India. The Writ Petition is devoid of merits and is liable to be dismissed.

However, the learned counsel for the petitioner states that the very petition under Minimum Wages Act is not maintainable before the Authority under Minimum Wages Act. So far as this objection is concerned, it is always open for the petitioner to raise such an objection before the Authority concerned and it is desirable that the authority shall entertain such objection as one of the issues for being tried along with the other issues finally.

With the above direction, the Writ Petition is dismissed. No order as to costs.

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C.V.RAMULU, J.

03rd August, 2007.

skmr